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OF

Crockery and . . .

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Will be at its height to-day. The greatest array of values in these things ever offered in this State.

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choice of the society. The play was written in collaboration with Mrs. E. G. Sutherland, of the University of Chicago, and Mrs. E. S. Fry, the leading lady of the Boston Museum, several years ago. The play is not a mere melodrama, but a dramatic representation of the successful novel by Captain King of that name, but the novel rather than the outcome of the play. The play was written by the author and dramatic critics for their own amusement, and while the play was in the hands of the incidents of the play, and under the copyright of the novel he could protect his rights in the play. This he at once did. It speaks well for the interest developed in the story that the novel went to the eleventh thousand in paper has since been issued, while the publisher has made between \$7,000 and \$8,000 of the production. Once the novel was off the stocks, Captain King resumed work on the play, which was again reproduced, and this it is which is now set for production by the Actors' Society. Captain King will leave for the East some time by the next train, and will be in New York for the production. His contract with the society is for three years, and it is understood that after the New York production the play will be brought West. At the same time it is put on the boards in New York it will be produced by the Actors' Society in London.

A \$20 MIMOGRAPH BILL

Auditor Holds Up a State Board of Education Claim.

Deputy Auditor Hart and State Superintendent Geeting had a lively little argument yesterday over a bill presented by the State Board of Education for the making of fifty mimeograph copies of the general school bill and the library bill, both of which failed in the last Legislature. The amount was \$20, and the voucher was held up by the State Auditor. The board of education is anxious to print copies of these bills before the session begins, for the information of the public, but these advance copies for the convenience of members of the board were made before the bills were passed.

PERSONAL AND SOCIETY.

Mr. Addison Bybee has returned from a trip to Florida.

Miss Jessica Bird left yesterday for Chicago to make a visit.

Mr. and Mrs. Edward Hall will go to Cincinnati Thursday for a short visit.

Mrs. Lida O'Boyle, of Danville, Ill., is the guest of Mrs. W. R. Armstrong.

Mr. and Mrs. R. Buchanan, of St. Louis, are visiting Mr. and Mrs. E. J. Foster.

Miss Lois S. Dyer has gone to Brazil to visit Miss Stella Riddell for a week or more.

Mrs. Anna B. McElwee has gone to Kokomo to spend a week or ten days with friends.

Mrs. O. P. Morton has gone to Chicago to make a short visit to her son, Mr. Oliver P. Morton.

Mrs. W. H. Boyd, 18 East Vermont street, left last evening for Pittsburg, Pa., to visit her mother.

Miss Gertrude Cuyler, of Cleveland, O., is the guest of Mrs. William Garstang, on North Pennsylvania street.

Miss Porter, principal of Oxford Seminary, is the guest of Miss Frances McElwee during the spring vacation.

Miss Benadine Smith, of Lafayette, who has been spending the week with friends, will return home to-day.

Mrs. E. C. Howlett and daughter, of Peoria, are visiting Mr. and Mrs. Harry A. Crossland, on North Alabama street.

The Half and Half Club was entertained yesterday afternoon by Miss Eleanor Pye, at her home on North New Jersey street.

Mr. J. A. Lemcke has taken the residence of Mrs. A. B. Mansur, at the corner of Madison and North Washington streets.

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WESTERN UNION PAYS UP

THE CORPORATION SETTLES EVERY PENNY IT OWES THE STATE.

During Receivership Hearing a Message Arrives That Promptly Stops All the Litigation.

The Western Union Telegraph Company yesterday made peace with the State of Indiana, thereby acknowledging that although it is a duly incorporated company of Indiana it is liable for the taxes under the State \$43,824.24 in full settlement of all claims made by the State for taxes under the new tax laws of the State. The settlement admits the contentions of the State on every point. It is a great victory for the State, which fought the battle through the highest courts of the land and finally was compelled to ask that a receiver be appointed before the money was paid.

Last Wednesday Attorney General Ketchum filed in the Circuit Court an application for the appointment of a receiver for the company. The petition recited that the State had recovered judgment in the Marion Circuit Court for \$42,623.30, and that the judgment had been affirmed by the Supreme Court. An execution had been issued, but the sheriff had found no property subject to execution except telegraph lines, poles, instruments and accessories which were constantly needed in the transaction of the business of the company, which is of a quasi public nature, and to levy on them would seriously inconvenience the general public. The court was asked to appoint a receiver to take charge of the company in this State and pay over to the State the receipts of the company until the judgment was satisfied.

To this petition the company filed a motion in arrest of judgment, basing its claim on the fact that when the case was decided last July the company had paid into court \$24,042.62 of the taxes due per cent, but the penalty of 10 per cent, that each county is allowed to charge. It was claimed that on account of this payment having been made the company should not be charged with the interest on this money from the time it was paid into court.

Before the filing of the petition for a receiver the company admitted all the claims of the State against it, but instead of paying the taxes immediately it had been in the custody of the court. This was the sole contention in the suit that was dismissed yesterday. Attorney General Ketchum argued that inasmuch as the decision of the Supreme Court was to the effect that the 20 per cent, penalty charged by the State against corporations which failed to pay their taxes became a part of the taxes immediately on the taxes becoming delinquent it was not within the power of a State officer to accept any part of the taxes at once and another part at another time. The law provides for the payment of the taxes in two parts, one at the time of the payment, but there is no provision for a division of the taxes into other payments. Therefore the company's contention that the State had accepted the amount of original taxes plus the 10 per cent, penalty, and that the balance of the taxes should be paid at another time, was not sustained. The case was called yesterday afternoon in the Circuit Court. Mr. Pickens, who acted for the company, filed his motion for arrest of judgment and spoke briefly on behalf of the company. He argued that the amount due was \$42,623.30 with interest, the amount due was the 50 per cent, penalty. He argued that the company was not liable for the interest on the money that was in the hands of the clerk of the court, which was the last part of the case.

A TELEGRAM STOPS IT.

Mr. Ketchum began his argument showing that the State had never received the money on deposit, and that no legal tender of the amount had been made, and therefore the company was liable for the interest on it. While he was in the midst of the argument a messenger boy entered the room and handed a telegram to one of the company's attorneys. The message was handed to Mr. Pickens, who glanced at it and then turned to the judge and said: "The Western Union Telegraph Company has just received a telegram from the State of Indiana, dated March 26, 1897, to the effect that the State has accepted the amount of original taxes plus the 10 per cent, penalty, and that the balance of the taxes should be paid at another time. The company is not liable for the interest on this money from the time it was paid into court. The case is settled." Mr. Ketchum stopped to read it. He asked if the message should be read to the court. The judge said: "Yes, read it." The message was read to the court, and the case was dismissed.

Mr. Ketchum stopped his argument and announced that he thought there would be no further proceedings in the matter, and that a short conference would be held to settle the case in a complete settlement. The attorneys retired to the court's private rooms and conferred for some time. They then returned to the court and announced that the case was settled. The company was to pay the taxes immediately, and the State was to accept the amount of original taxes plus the 10 per cent, penalty. The case was dismissed.

The original suit in this case was fought through the lower courts and into the Supreme Court of the State and the United States Supreme Court. The case was last resort today. After the liability for the taxes was admitted, the company was given the option of paying the taxes immediately or the penalty of 50 per cent, caused another fight, and this was taken to the Supreme Court. The case was then taken to the United States Supreme Court, and there were indications of further trouble, but it was averted by the decision of the court. The company was to pay the taxes immediately, and the State was to accept the amount of original taxes plus the 10 per cent, penalty. The case was dismissed.

RECEIVER HOPKINS REPORT.

E. O. Hopkins, receiver of the Peoria, Decatur & Evansville, has filed with the federal court the following report for the month of February:

—Receipts.—

Agents and conductors. \$96,467.43

Foreign companies. 15,740.00

Total receipts. \$112,207.43

Cash on hand Feb 1. \$2,515.12

—Disbursements.—

Foreign companies. \$5,984.91

Pay roll. 1,000.00

Accounts payable. \$1,699.50

Total disbursements. \$8,684.41

Cash on hand Feb. 28. \$18,237.31

Interest on first mortgage bonds. 45,265.40

Total receipts. \$128,924.96

Total disbursements. \$117,550.12

Total receipts. \$111,350.83

Total disbursements. \$111,350.83

From Jan. 1, 1897, to Feb. 28, 1897. \$212,650.64

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foreclosure. Judgment for defendants for \$20 and costs. Foreclosure and sale ordered. Haverly, Smith, Chas. F. Kieser et al., mechanic's lien. Dismissed and costs paid.

James W. Lankin vs. Citizens' Street-Railroad Company; damages. Judgment on verdict for plaintiff for costs. James Arthur vs. D. R. McNaught; damages for conversion of property. Jury out.

Room 3—Vinson Carter, Judge. Judson B. Hawley vs. Citizens' Street-Railroad Company; damages. Dismissed and costs paid.

Theodore F. Smithers vs. Wm. V. Rooker; account. Jury returned verdict for plaintiff for \$24.85.

James Moriarty vs. C. C. C. & St. L. Railroad Company; damages. On trial by jury.

Criminal Court. J. F. McCray, Judge. State vs. David Johnson; burglary. Jury returns verdict of guilty of petit larceny, with penalty of three years.

State vs. Thomas McKenna; selling liquor on Sunday. Tried by court and fined \$25.

State vs. Thomas McKenna; same liquor on Sunday. Tried by court and fined guilty. Trial on advisement.

Circuit Court. Henry Clay Allen, Judge. In the matter of the petition of the Haughville Loan Association for change of name dismissed by petition. Judgment by name dismissed by petition.

Robert Johnson vs. Clara T. Weed et al. Evidence concluded.

New Suits Filed. William E. English vs. Henry A. Talbott et al.; on account. Room 2. New Massachusetts Avenue Savings and Loan Association, No. 2 vs. James L. Carter et al.; on account. Room 2.

The Midway Hydraulic Press Brick Company vs. Leopold Meyers et al.; mechanic's lien. Room 2.

Pioneer Brass Works vs. Jenny Electric Motor Company; on notes. Room 1.

Michael Holloway et al. vs. Robert C. Light et al.; on account. Room 3.

Maud Dye vs. Alfred Dye; divorce. Room 2.

Ella M. Dunck vs. Arthur G. Dunck; divorce. Room 2.

TO WORK OVER 1,000 MEN

PARK COMMISSION TO EMPLOY THEM IN FALL CREEK SYSTEM.

Conversion of Greenlawn Cemetery Into a Park—Papers Being Prepared for Asphalting Kentucky Avenue.

Albert Lieber, Oran Perry and W. E. English were the members of the Board of Park Commissioners who were at the regular weekly meeting yesterday. This is the first meeting that Mr. English has been able to attend since his illness. Mr. Korbly, of Smith & Korbly, consulted with the board in regard to some legal matters. Until the park bonds have been sold, nothing will be done toward purchasing park lands. March 31 is the day fixed to receive propositions for the \$50,000 loan the Board is authorized to make. Controller Johnson expects to make a very advantageous loan and expects a good premium will be paid. Mr. Lieber said yesterday that he presumed the board would buy all the ground that is being considered at one time. It is the intention to employ from 1,200 to 1,500 men this summer in the improvement of the grounds. Work will be done in the Fall-creek system, laying out boulevards, and at the same time attention will be given to the smaller parks. Mr. Lieber said that he thought the board would be ready to take some definite action by the latter part of next week.

Greenlawn Cemetery is to be at once turned into a park. All fences are to be razed and the grounds will be laid out with walks and seats will be placed for the public. Where relatives do not object the graves will be leveled off. Papers are being prepared by City Engineer Jupp for the Board of Public Works to authorize the conversion of Greenlawn Cemetery, so that it will be an easy access. All earth removed from the surface of the street is to be used on the approaches to the Kentucky-avenue bridge over White river.

After advertising, the commissioners ordered an advertisement of bids for the new stone bridge at Garfield Park. This will be a forty-foot span. Bids were also made for an extension of water pipes in the park and for pedestals for the six cannons to be placed in the park. The board will purchase a blue print apparatus for use in the office.

INDIANA-ARCADE ASPHALT.

Ordered All the Way to Fall Creek—Virginia-Avenue Cement.

Petitions for new street improvements continue to come to the Board of Public Works. The city engineer was yesterday instructed to investigate as to the advisability of improving the sidewalks of Washington street from New Jersey to Noble street, for the opening and extension of Twenty-eighth street from Indianapolis street to Northwestern avenue, and cement sidewalks on Wright street, from Sanders street to the city limits.

Several resolutions for new improvements were adopted. One was to lay out an asphalt roadway from North street, one square above the "Yellow Bridge," to Fall Creek. The other was to lay out a sidewalk on the lower end of Virginia avenue, many of the walks which were about the sorry condition of other portions of the city. The board has been asked to give them relief by ordering the sidewalk of the avenue cemented from New Jersey street to the city limits. The board has been asked to give them relief by ordering the sidewalk of the avenue cemented from New Jersey street to the city limits. The board has been asked to give them relief by ordering the sidewalk of the avenue cemented from New Jersey street to the city limits.

Viaduct Roadway Neglected.